

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**



PHEENIX USH LLC D/B/A SPIN,

Plaintiff,

V.

CITY OF COLUMBUS, et al.,

Defendants.

) Case No. 2:24-cv-4290

)

) Judge Michael H. Watson

)

) Magistrate Judge Chelsey M. Vascura

)

) **REPLY IN SUPPORT OF**

) **MOTION FOR TEMPORARY**

) **RESTRAINING ORDER AND**

) **PRELIMINARY INJUNCTION**

DECLARATION OF AUSTIN MARSHBURN

I, Austin Marshburn of lawful age, being duly sworn upon my oath, hereby declare to the best of my knowledge as follows:

1. I am over eighteen (18) years of age and a resident of California. I make this Declaration in support of Plaintiff Pheenix USH LLC d/b/a Spin.

2. I am a Senior Director at Third Lane Mobility. The information contained in this Declaration is based upon the best of my personal knowledge acquired through my position as Senior Director at Third Lane Mobility and review of relevant business records in the ordinary course of business. If called to testify, I would state as set forth below.

3. On average about 3,000 people in Columbus use e-scooters or e-bikes per day.


4. Spin has around 1,500 mobility devices deployed in Columbus each day.

5. Spin, like others, receives complaints through the City's 311 complaint portal. Spin's complaints equal less than one complaint per day. The amount and frequency of those complaint hit a high mark in April and have generally declined since then.

6. The operator chosen by the City, Veo, has been suspended twice from operating in Los Angeles. The reasons for suspension include that Veo has not responded to complaints via LADOT's 311 complaint system within the specified time frame in Los Angeles. LADOT utilizes their 311 complaint system in a similar way to Columbus and would send a vendor a 311 if an LADOT employee or citizen of Los Angeles sent a complaint which would include obstruction of sidewalks/curb ramps, illegal parking issues such as obstruction of a sidewalk, parking too close to a marked red zone or parking outside of a corral in certain areas of the city. The timeframe for curing a complaint varies between 1 and 2 hours for similar complaints to that of Columbus' complaint system. This suspension of 100% of Veo's fleet is the result of Veo receiving at least 150 complaint points in a calendar year. The February suspension was a result of 150 or more points in 2023. The suspension in September would result from 150 or more points from January through August of 2024.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: December 23, 2024

A handwritten signature in black ink, appearing to read 'Austin Marshburn', written over a horizontal line.

Austin Marshburn